

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 1:30 P.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Joe G. Lopez, Deputy Clerk.

**F028898      City of Tehachapi v. Tiote Construction & Development Co.**

Cause called and argued by Robert G. Auwbrey, Esq.; by Bob H. Joyce, Esq., counsel for respondent and by Francis Austin O'Brien, Esq., counsel for appellant.

Cause ordered submitted.

Court recessed until Wednesday, January 12, 2000 at 1:30 P.M.

**F032347      People v. Montellano**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F031039      People v. Fitzpatrick**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F033431      In re Christopher R., a Minor**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F031183      People v. Amps, Sr.**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F029918      People v. Auch**

Appellant's petition for rehearing filed herein is denied.

**F031493      People v. Robles**

The judgment of conviction is affirmed. The sentence is vacated. The matter is remanded to the superior court for new proceedings on sentence, consistent with this opinion.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034115      People v Hernandez Luna**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F030473      People v. McMillon**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F029962      People v. Kennedy**

**F032067      In re Paul Andrew Kennedy on Habeas Corpus**

The judgment is affirmed, the petition for writ of habeas corpus is denied. Ardaiz, P.J.

We concur: Thaxter, J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F029912      People v. Ruffo**

The judgment is affirmed with modifications. Ardaiz, P.J.

We concur: Thaxter, J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]